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In Re: Patent Application of Charles A. Eldering, et al.

Conf. No.: 2970 : Group Art Unit: 3622
Appl. No.: 09/591,577 : Examiner: Yehdega Retta
Filing Date: 9 June 2000 : Attorney Docket No.: T702-03
Title: Privacy-protected advertising system

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In view of the foregoing, Applicants respectfully submit that the combination of Hendricks, Ho and Pirolli is thus improper since there is no apparent reason to combine the references, such combination would not make common sense and the combination includes non-analogous art. Even assuming the references were properly combinable, which they are not, all features of the claims would still not be taught by the combination. Therefore, the Examiner has not met the burden of *prima facie* obviousness. Accordingly, for the reasons detailed herein, independent claims 133 and 153, and all claims dependent thereon, including claims 134 – 139, 152 and 154 – 159, are allowable over the combination of Hendricks, Ho and Pirolli.

Conclusion

For the reasons set forth above, Applicants submit that the rejection of claims 133 – 139 and 152 - 159 is in error, and that the application, including claims 133 – 139 and 152 - 159, is in condition for allowance. Accordingly, Applicants respectfully request that the Board reverse the Examiner's rejections of claims 133 – 139 and 152 – 159 and remand this application for issue.

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(H) CLAIMS APPENDIX

1-132. (Cancelled)

133. (previously presented) A method of identifying consumers likely to be interested in an advertisement, the method comprising:

(a) accessing a plurality of consumer transaction records corresponding to a plurality of consumers and accessing demographic information records corresponding to at least one of the plurality of consumers;

(b) retrieving heuristic rules, wherein said heuristic rules have been pre-defined prior to accessing said plurality of consumer transaction records and wherein said pre-defined heuristic rules have been developed based on at least one psychological or sociological study;

(c) retrieving at least one target consumer characteristic from an advertiser that has been selected at the discretion of the advertiser;

(d) applying said pre-defined heuristic rules to said plurality of consumer transaction records to generate inferred transaction characteristics of the consumers;

(e) generating inferred consumer characteristics of at least one of the consumers by associating the inferred transaction characteristics with demographic information records; and

(f) determining applicability of an advertisement to the at least one consumer by correlating the inferred consumer characteristics with the target consumer characteristics selected at the discretion of the advertiser.

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134. (previously presented) The method of claim 133, wherein a single consumer has more than one consumer characteristic.

135. (previously presented) The method of claim 133, wherein the plurality of consumer transaction records includes purchase transactions for the plurality of consumers.

136. (previously presented) The method of claim 133, wherein the demographic information records are stored in a private consumer demographics database.

137. (previously presented) The method of claim 133, wherein the demographic information records include demographic information associated with geographic locations.

138. (previously presented) The method of claim 133, wherein an individual consumer from said plurality of consumers is identified anonymously.

139. (previously presented) The method of claim 138, wherein the anonymously identified consumer is identified through the use of anonymous transaction profiling.

140. (withdrawn) A method of identifying consumers likely to be interested in an advertisement, the method comprising:

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(a) accessing a plurality of consumer transaction records corresponding to a plurality of consumers and demographic information records corresponding to at least some of the plurality of consumers;

(b) retrieving heuristic rules, wherein said heuristic rules are applicable to advertisements and have been pre-defined prior to accessing said plurality of consumer transaction records;

(c) retrieving at least one target market characteristic that has been selected at the discretion of an advertiser;

(d) selecting at least one of the pre-defined heuristic rules based on said at least one target market characteristic; and

(e) determining applicability of an advertisement to at least one of the consumers by applying said selected at least one heuristic rule to said plurality of consumer transaction records and the demographic information records.

141. (withdrawn) The method of claim 140, wherein step (e) includes correlating the result of the application of the pre-defined at least one heuristic rule with the target market characteristic.

142. (withdrawn) The method of claim 140, wherein the demographic data is stored in a private consumer demographics database.

143. (withdrawn) The method of claim 140, wherein the demographic information includes demographic information associated with geographic locations.

144. (withdrawn) The method of claim 140, wherein an individual consumer from said plurality of consumers is identified anonymously.

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145. (withdrawn) The method of claim 144, wherein the anonymously identified consumer is identified through the use of anonymous transaction profiling.

146. (withdrawn) A method of identifying consumers likely to be interested in an advertisement, the method comprising:

(f) accessing a plurality of consumer transaction records corresponding to a plurality of consumer information records corresponding to at least some of the plurality of consumers;

(g) retrieving heuristic rules, wherein said heuristic rules are applicable to advertisements and have been pre-defined prior to accessing said plurality of consumer transaction records;

(h) using said pre-defined heuristic rules to determine at least one target market characteristic;

(i) determining applicability of an advertisement to at least one of the consumers by correlating said at least one target market characteristic with characteristics of the consumers obtained from said plurality of consumer transaction records and the demographic information records.

147. (withdrawn) The method of claim 146, wherein step (c) includes applying the pre-defined heuristic rules to the advertisement to determine the at least one target market characteristic.

148. (withdrawn) The method of claim 146, wherein the demographic data is stored in a private consumer demographics database.

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149. (withdrawn) The method of claim 146, wherein the demographic information includes demographic information associated with geographic locations.

150. (withdrawn) The method of claim 146, wherein an individual consumer from said plurality of consumers is identified anonymously.

151. (withdrawn) The method of claim 150 wherein the anonymously identified consumer is identified through the use of anonymous transaction profiling.

152. (previously presented) The method of claim 133, wherein the at least one target consumer characteristic includes target demographic characteristics and target purchase characteristics.

153. (previously presented) A method of identifying consumers likely to be interested in an advertisement, the method comprising:

(a) accessing a plurality of consumer transaction records corresponding to a plurality of consumers and accessing demographic information records wherein each demographic information record corresponds to a consumer transaction record;

(b) retrieving heuristic rules, wherein said heuristic rules have been pre-defined prior to accessing said plurality of consumer transaction records and wherein said pre-defined heuristic rules have been developed through the application of at least one heuristic process which incorporates at least two types of analysis selected from the group consisting of logic tests, statistical estimates, self-learning, experiments, market studies, human knowledge and experience;

(c) retrieving at least one target consumer characteristic from an advertiser that has been selected at the discretion of the advertiser;

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(d) applying said pre-defined heuristic rules to said plurality of consumer transaction records to generate inferred transaction characteristics of the consumers;

(e) generating inferred consumer characteristics of at least one of the consumers by associating the inferred transaction characteristics with a corresponding demographic information record of the consumer; and

(f) determining applicability of an advertisement to the at least one of the consumers by correlating the inferred consumer characteristics with the target market characteristics selected at the discretion of the advertiser.

154. (previously presented) The method of claim 153, wherein the at least one target consumer characteristic includes target demographic characteristics and target purchase characteristics.

155. (previously presented) The method of claim 153, wherein a single consumer has more than one consumer characteristic.

156. (previously presented) The method of claim 153, wherein the plurality of consumer transaction records includes purchase transactions for the plurality of consumers.

157. (previously presented) The method of claim 153, wherein the demographic information records are stored in a private consumer demographics database.

158. (previously presented) The method of claim 153, wherein the demographic information records include demographic information associated with geographic locations.

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159. (previously presented) The method of claim 153, wherein an individual consumer from said plurality of consumers is identified anonymously.

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(I) **EVIDENCE APPENDIX**

None.

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(J) RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,

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